

State of Colorado



Bill Owens
Governor

Richard Djokic
Director

DPA

Department of Personnel
& Administration

State Personnel Board
The Chancery
1120 Lincoln St., Suite 1420
Denver, Colorado 80203
Phone (303) 764-1472
Fax (303) 894-2147

AGENDA - AMENDED PUBLIC BOARD MEETING December 21, 2004

A public meeting of the State Personnel Board will be held on Tuesday, December 21, 2004, at the Department of Transportation, 4201 East Arkansas Avenue, Second Floor Auditorium, Denver, Colorado 80222. The public meeting will commence at 9:00 a.m.

Reasonable accommodation will be provided **upon request** for persons with disabilities. If you are a person with a disability who requires an accommodation to participate in this meeting, please notify Board staff at 303-764-1472 by December 16, 2004.

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I. REQUESTS FOR RESIDENCY WAIVERS

A. December 1, 2004 Report on Residency Waivers

Reports are informational only; no action is required.

II. PENDING MATTERS

There are no pending matters before the State Personnel Board this month.

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR ON APPEAL TO THE STATE PERSONNEL BOARD

There are no Initial Decisions or Final Order of the Administrative Law Judge or Director before the Board this month.

IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR TO GRANT OR DENY PETITIONS FOR HEARING

A. D. Duane Granberg v. Department of Corrections, Delta Correctional Facility, Food Services, State Personnel Board case number 2004G091.

Complainant petitions the Board to grant a discretionary, evidentiary hearing to review Respondent's final grievance decision. Complainant argues the final grievance decision of the appointing authority was arbitrary and capricious because of Respondent's denial of allowing Complainant an opportunity to choose work schedules for the coming year

according to seniority, which Complainant considers a violation of Respondent's Administrative Regulations. Complainant argues he was 4th in seniority when he received a new work schedule with shift assignments and days off showing available days off were Tuesday/Wednesday, Thursday/Friday (A.M.) and Thursday/Friday (P.M.). Complainant noticed that Captain Casselberry typed Sgt. Rock's name on the schedule under the Saturday/Sunday off shift. Complainant talked with Captain Casselberry who informed Complainant he could not have the Saturday/Sunday off shift because Sgt. Rock was assigned to that shift and Complainant did not have any laundry experience.

Complainant was later informed by Captain Casselberry that he no longer had a choice concerning his days off and his shift, and that Complainant was being assigned to the Tuesday/Wednesday off shift. Complainant then contacted DOC's personnel office and was encouraged to follow the grievance process. Complainant argues Capt. Casselberry's actions evidence definite favoritism toward Sgt. Rock and are not in compliance with the AR's of DOC." Complainant's witnesses would testify that certain officers who have worked in the laundry have never had any type of training, other have had minimal training in laundry, and Captain Casselberry has his "favorites" in the food service department as well as employees that he treats unfairly.

Complainant requests that he be allowed to choose his schedule according to seniority like all other food service department employees, and the schedule which includes Saturday/Sunday off, instead of Sgt. Rock over whom he has seniority.

Respondent argues that the Monday-Friday shift at DCF Food Services requires cross training in DCF laundry procedures, in which Complainant had not been cross-trained at DCF. DCF laundry procedures are not similar to the Buena Vista Correctional Complex laundry procedures and required different training. Sgt. Rock was cross-trained in DCF laundry procedures. The Monday-Friday position's IPO is the bakery. Sgt. Rock has more than 20 years' experience as a baker and thus, Sgt. Rock is qualified to work the Monday-Friday schedule at DCF Food Services while Complainant is not qualified to work this schedule at DCF Food Services.

Respondent further asserts the Monday-Friday shift is a flex shift and does not guarantee that the person holding the shift would always have Sundays off. Work schedules at DCF Food Services are determined pursuant to AR 100-37, § IV.A.3. Captain Casselberry has the discretion to determine who should work the Monday-Friday work schedule. Captain Casselberry did not manipulate the schedule to allow Sgt. Rock time off to hunt and participate in extracurricular activities with Casselberry. Respondent argues Captain Casselberry's decision was not arbitrary, capricious or contrary to rule or law. The current staffing levels limit the availability of the opportunity to cross train in laundry procedures at the present time and when staffing vacancies are filled, cross training in laundry procedures will be provided to Complainant. Warden Green and Captain Casselberry anticipate staffing vacancies will be filled in August 2004, allowing Complainant to be cross-trained in laundry procedures. Upon obtaining proper training and when Complainant qualifies to work the shift he requests, Warden Green and Captain Casselberry will seek to accommodate Complainant's request for a shift that includes Sundays off.

On June 16, 2004, Captain Casselberry sent a memo to Warden Green regarding Complainant's grievance, which contained his perceptions and recollections of the shift bid process, which Complainant grieved. Initially, Complainant refused to sign on any schedule line on the shift bid selection sheet. Complainant then refused to sign on any schedule other than the schedule line designated as the schedule utilized to provide flex coverage for a.m. and p.m. shifts and backup for laundry operations, which had already been assigned to Sgt. Rock. Captain Casselberry's research into laundry operations at Buena Vista and DCF reveal different equipment and chemicals are used, that

Complainant could be cross-trained to provide backup, that his experience at Buena Vista will not translate to DCF's operations, and that staff levels may support Complainant's cross-training in laundry operations when the newly hired staff member is fully operational. Captain Casselberry states that he has hunted with Sgt. Rock once and thus, the allegations made by Complainant in this regard deserve no further response, and that Warden Green and Captain Casselberry's actions were consistent with DOC's AR 100-37 and request Complainant's petition for hearing be denied.

The ALJ concludes that Complainant was denied his preferred days off in deference to a male officer who had bakery and laundry training but less seniority than Complainant. It is uncontroverted that Complainant has greater seniority than Rock, the officer who was given Complainant's preferred days off. However, Respondent has demonstrated that seniority cannot be the sole consideration when the appointing authority is scheduling days off or granting preferred days off. See, AR 100-37. Complainant failed to demonstrate that a hearing would be appropriate on the issue of violation of his seniority rights and denial of his preferred days off.

The ALJ finds that Board Rule R-1-6 gives appointing authorities the power to determine work hours and to define a job. In addition, shift assignments including days off are at the discretion of the appointing authority or designee, who has the responsibility and authority to fill position vacancies and schedule employees in a manner that is responsive to facility or operational need at any given time. Respondent demonstrated the necessity of scheduling an officer with both bakery and laundry experience, which must take precedence over another officer's seniority as a consideration of operational needs of a correctional facility. Complainant provides no evidence that the appointing authority abused his discretion in exercising his power to determine work hours, shifts assignments and days off, pursuant to Board Rule R-1-6 or violation of AR 100-37. The appointing authority addressed all of Complainant's concerns raised in the grievance within the 30 day time frame, indicating that it may be possible to accommodate his shift request in the future, following cross-training and staffing of facility vacancies.

On November 15, 2004, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending Complainant's petition for hearing be **denied**.

- B. Lynn Michael, Sandy Henderson, Jaswant Kohli, Deborah Mitchell, Joseph Ornoff, Beverly Suazo, Sarah Williams, Glenna Davis, Dave Knopp, Anthony Bustamante, Joseph Mondragon, Gloria Smith & Rebecca Tygart v. Department of Labor and Employment, Office of Unemployment Insurance, State Personnel Board case number 2004G095.

Complainants petition the Board to grant a discretionary, evidentiary hearing to review Respondent's decision to classify their positions as Labor and Employment (L&E) Specialist I instead of Labor and Employment Specialist II. Complainants state DLE, intentionally and in bad faith, altered PDQ's to inaccurate lower classifications. Complainants argue the decision to classify their positions as Labor and Employment Specialist I was arbitrary and capricious because Respondent abused its discretion in altering PDQ's and classifying Complainants' positions as L&E Specialist I.

Complainants contend that they sought review of Respondent's final grievance decision by requesting review of classifications by DLE, which determined Complainants were properly classified as Tax Examiners I in the Unemployment Insurance Tax Unit. The Tax Examiner I classification kept Complainants at a low base pay rate, which was not comparable to similar situated employees in the department.

On October 7, 2002, the appointing authority for the Division of Human Resources in DPA refused to hear the appeal, referred by the State Personnel Board. Upon refusal to

hear the appeal by the Division of Human Resources, Complainants filed a second petition for hearing claiming a right to review under Board Rule R-8-45. The Board denied Complainants' petition for review.

Subsequent to the decision in May 2003, Complainants were re-classified in the positions of Labor and Employment Specialist I. Complainants argue the reclassification to L&E I was a downward and erroneous allocation, since the classification did not relate to their duties as indicated in PDQ's. Complainants argue they should have been classified as L&E II's and to date, no change in Complainants' duties have been made since their grievance concerning this matter filed in August 2002.

On or about February 2004, Complainants contend they obtained information directly indicating that during the May 2003 classification adjustment, an internal position review panel or "analyst team" for Respondent determined that the Complainants and their colleagues should actually be classified as L&E II, according to the original Tax Examiner I PDQ. Complainants argue that a series of emails, soon after and subsequent to PDQ's being altered, were marked and highlighted by Human Resources and the final PDQ, which was received by Complainants, indicated that Complainants and their colleagues were more appropriately classified as an L&E II, and that the removal of a few words describing that employees operated independently would lower their classifications back to L&E I.

Complainants maintain that they do act independently and should have been classified as L&E Specialist IIs, and that the information presented confirms Respondent has deliberately, in bad faith, and arbitrarily and capriciously acted to keep them at the artificially lower classification to avoid paying them for the actual work they do for the Department. Complainants seek reclassification to L&E II, back pay and an award of attorney fees and costs.

Respondent asserts since as early as 1998, on going discussions with the UI program as a whole were commenced regarding the creation of multi-functional specialist positions that could perform both UI benefits and UI tax duties. Efforts to meld the two began in earnest with the reorganization of the UI Program in Spring 2003. One area of reorganization included consolidation of part of UI benefits and part UI tax into "UI Operations" and movement of the UI Tax Examiners from the Tax Examiner Class Series to Labor and Employment Specialist Class Series. The classification change required tax examiners to submit applications for the L&E positions, according to Art. XII, § 13(1) and (5) of the Colorado Constitution, C.R.S. § 24-50-112.5(1)(b), and Director Procedure P-2-9(A).

Respondent recognized that Tax Examiner experience did not meet minimum qualifications for L&E Series. Minimum qualifications existed at the start of 2003, and the experience listed under "substitutions" set forth in the Tax Examiner minimum qualifications, which had allowed tax examiners to qualify for their positions, not including or accepting "substitution" under the L&E minimum qualifications. Respondent petitioned DPA to modify the L&E minimum qualifications by broadening the area of "substituting experience." This enabled UI Tax Examiner experience to qualify as a substitution. DPA concurred with Respondent's request and amended the minimum qualifications for L&E, which allowed UI examiners to retain their employment with the UI office.

On June 1, 2003, thirty-four DLE employees in the UI office who had been Tax Examiner I's were reclassified as Labor & Employment Specialist I's and as a result received a salary increase. Of those thirty-four, thirteen Complainants asserted they should have been classified as L&E II's. Respondent argues that the decision making at the Tax Examiner I level does not involve adjudication of claims, a major component of decision making at the L&E I level. The modification of the Tax Examiner PDQ and the removal of

the words “independent” and “independently” to conform it to and bring it within the L&E I level demonstrates that the narrow focus of the entire argument in this case is on these words, “independent” and “independently.”

According to the Tax Examiner I PDQ, in its original form, the work unit exists “to enforce compliance of employers...direct, administer and manage the Unemployment Insurance Tax Program by determining the liability and assigning tax account numbers...enforce compliance and collections of revenues to ensure the solvency of the UI tax fund.” According to the L&E II PDQ, the work unit exists to “issue legal determinations... and... adjudicate UI Claims...” The adjudication function requires six months of additional training and is an essential component of the L&E II level, and is absent from the Tax Examiner I level, which is a critical substantive difference. Respondent further argues the Tax Examiner PDQ was not conceived or written for the L&E series and its words do not “translate” exactly in that series.

Respondent requests that Complainants’ request for attorney fees and costs be denied and dismissed. Respondent argues that Complainants failed to meet their burden of showing valid issues exist that merit a full hearing. DLE operational business decision to move the UI Tax Examiners from the more static Tax Examiner Class Series to the broader more open-ended L&E Class Series additional provided those employees a previously non-existent career “ladder” and potential for upward advancement on that “ladder.”

The ALJ concludes that while e-mails indicate that an analyst team paneled the Tax Examiner I PDQ and placed it at the L&E II level, a review of L&E II job duties and the Tax Examiner I job duties demonstrate Complainants do not meet qualifications to be classified as L&E II’s, even if the words “independent” and “independently” had not been removed from the Tax Examiner I PDQ. The Class Series description for L&E II specifies that L&E II “... adjudicate claims which include determining benefit entitlement by examining claims data and interpreting and applying applicable laws, regulations and agency policies...” The PDQ for L&E II provides that an L&E II “adjudicate claimant separations.” The adjudication function requires six months of additional training and is an essential function of the L&E II position. The adjudication function is not a function of Complainants’ former position, Tax Examiner I. Complainants do not have the minimum qualifications of an L&E II. The ALJ finds that the Respondent demonstrated adjudication is an essential function of the L&E II position and Complainants are not qualified to adjudicate as required by the L&E II PDQ. Complainants provided no valid evidence that the appointing authority abused its discretion in exercising the power to reorganize the department.

On November 16, 2004, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending that Complainants’ petition for hearing be **denied**.

C. Jerome Steele v. Department of Corrections, Centennial Correctional Facility, Clinical Services, State Personnel Board case number 2005G022(C).

Complainant petitions the Board to grant a discretionary, evidentiary hearing to review of two adverse grievance decisions by Respondent and denial of his grievance. Complainant filed a petition for hearing with the Board concerning the denial of his request to have the appointment of Becky Romano as Mental Health Services Administrator considered temporary until such time as an individual position review was completed with respect to new positions, an official job description and job profile were finalized and as mandated, the appointment be made in accordance with the selection provisions. Respondent denied Complainant’s relief requested at the step II of the grievance process on March 5, 2004, after which Complainant timely appealed to the Board. On September 13, 2004, Complainant filed a second petition for hearing with the

Board concerning the denial of his request to have Lynn Erickson's position as Health Service Administrator reviewed and posted for examination "as set forth in State Personnel Procedures." On August 30, 2004, Respondent issued its final grievance decision at step II and denied Complainant's request for relief, in which Complainant timely appealed to the Board.

Because Complainant's appeals involved shared similar and/or identical issues of law and fact, the appeals were consolidated.

Complainant argues the Clinical Services Office of DOC reassigned Becky Romano's job duties from those of a Clinical Administrator to those of a Mental Health Services Administrator or "Assistant Chief of Mental Health." Romano's new position never previously existed in the DOC Mental Health System. Complainant contends reassignment of Romano to this new position is contrary to the Colorado State Personnel Rules and Procedures including P-2-4, P-2-9, P-4-1, R-4-2 and P-4-11 and, in fact, Respondent did not follow these rules or procedures. The reassignment of Romano is outside the rules and is arbitrary as were the responses to the grievance at Step I and Step II of the grievance process. As a remedy, Complainant requests that the new position be posted for the selection process.

Complainant further argues that the Clinical Services Office of DOC reassigned Lynn Erickson's job duties from those of a Nurse IV to those of a Health Services Administrator. Previously, this broad supervisory role was identified as a Clinical Team Leader, was open to those with mental health backgrounds and was posted, examined and selected per Colorado State Personnel Rule and Procedures. The fact is this is no longer the procedure used to promote staff within the Clinical Service Series; DOC now calls it "reassignment of duties" and simply picks from the "chosen few" with nursing backgrounds. Clinical Service has abolished the "career ladder" for Complainant and other mental health professionals. After sixteen years of service to the State of Colorado, Complainant's career has come to a screeching halt and that Complainant's desire to apply clinical and leadership skills to the broader Department is for naught. Clinical Service Office continues to abuse personnel practices. Complainant provides that the facts would indicate the arbitrary and capricious nature of Respondent's grievance response and those procedures are contrary to the rule of law.

Respondent argues the Complainant does not have standing to challenge the reassignment of Romano's job duties or Erickson's job duties. To have standing Complainant must have been injured in fact, and the injury must be to a legally protected right. Complainant cannot show that he was directly affected by the reassignment of Romano's job duties. Romano was laterally transferred to assist the Chief of Mental Health Services in his duties, her classification did not change, she was not promoted and her pay, status and tenure were not affected. The new position was not created within DOC thus Complainant is not entitled to compete for Romano's job assignment under the selection process, an assignment which did not affect Complainant's employment. Respondent argues Complainant cannot establish a valid issue for hearing since the facts demonstrate that DOC's action was not arbitrary or capricious. The reassignments of Romano's job duties were based on the needs of the Division of Clinical Services. By reassigning Romano's job duties without proceeding through the selection process, DOC acted within its discretion and in accordance with the Board Rules. As relief, DOC requests Complainant's petition for hearing be denied.

Respondent further asserts Complainant is a Mental Health Coordinator at the department and his job class is Social Work Counselor IV. Lynn Erickson, another Clinical Service employee, has at relevant times been classified as a Nurse IV Mid-Level Provider. Erickson's job duties were changed and her working title changed to HAS; however, this change did not affect her job class or pay. The change in Erickson's job

duties did not affect Complainant's job class, duties, pay, status or tenure. Based upon needs of the Division of Clinical Services, the appointing authority, in his discretion, reassigned Erickson's duties to those of a Health Services Administrator. Respondent argues that Complainant does not have standing to challenge the department's decision to reassign Ms. Erickson's job duties. Even if Complainant can show injury in fact, the evidence in this case demonstrates that the department acted within its discretion and pursuant to legal mandates.

The ALJ concludes Complainant's grievances concern the fact that Complainant was not chosen for the "lateral transfers" that enabled Romano to become the Mental Health Services Administrator and Erickson to become a Health Services Administrator. Complainant viewed Romano's and Erickson's "lateral transfers" as opportunities which he was not afforded. Romano and Erickson were not transferred, as they did not move from one position to a different position; they only experienced a reassignment of duties.

The parties have referred to the reassignment of duties as "transfers," and the relevant statute, procedures and rules applying to transfers of state employees provide that only a qualified candidate shall be appointed to a position in the personnel system and a qualified employee may transfer between positions in the same class or to a different class at the same pay grade. Section 24-50-112.5 (5)(a). Director's Procedure P-4-3 provides that at the discretion of the appointing authority, transfers and non-disciplinary demotions may be considered before or along with employment lists. Employment lists are used in priority order established by law and discussed below. Director's Procedure P-4-5 provides a transfer is an appointment of a qualified employee to a different position in the same class or with the same grade maximum.

An employee or an appointing authority may initiate a transfer. When the appointing authority initiates the transfer within the department and the employee refuses it, the employee is deemed to have resigned. If the transfer is outside 25 miles, is longer than six months, and not a condition of employment, the employee's name is placed on the reemployment list. DOC's AR 1450-09 provides that DOC may initiate transfers for the needs of the agency and/or to comply with budgetary restrictions, a request for transfer within DOC is at the discretion of both the losing and gaining appointing authorities. It is the responsibility of the appointing authorities to determine, by mutual agreement, the effective date, reporting date of transfer, based on business needs which may include security issues, needs of the agency and time period to replace the vacancy.

Complainant cites a number of rules and procedures; however, none of the rules and procedures applies to this situation, as neither Romano nor Erickson's positions were newly created positions or a promotion. Further, neither Romano nor Erickson experienced a gain in pay, change in status, tenure or job classification; they only experienced reassignment of their job duties to meet the Division's needs. Board Rule R-1-6 provides an appointing authority has the power to define a job. The ALJ found that Romano and Erickson were not filling new vacancies; hence, there was no need to post their positions. Romano and Erickson did not receive promotions; thus, no vacancy posting is required. There is no violation of rule or procedure in DOC's actions. However, if DOC decided to reallocate the positions, DOC will be required to post the positions. The final grievance decision demonstrates that Complainant's request regarding Romano's reassignment, contacted staff in Human Resources and pulled relevant files, reviewed personnel rules related to transfers and reviewed DOC's AR's relative to transfer. The ALJ further concludes it cannot be said that Respondent neglected or refused to use reasonable diligence and care to procure evidence, failed to give candid and honest consideration of evidence or exercised discretion in such a manner that reasonable person would have acted otherwise. Respondent took time to state the rules and AR's so that Complainant would be able to review them himself and to address all of the Complainant's issues in the first grievance.

Complainant is to be commended for seeking advancement at DOC in a manner that will utilize and enhance his skills and experience; however, it is clear that DOC's actions relative to Romano and Erickson's reassignments of duties do not adversely affect Complainant's current base pay, status or tenure. Lacking injury to a protected right, Complainant simply lacks standing to challenge the reassignment of Romano's and Erickson's duties. Complainant failed to proffer sufficient evidence that would support a finding that DOC's actions were arbitrary, capricious or contrary to rule or law.

On November 23, 2004, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending that Complainant's petition for hearing be **denied**.

V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR

- A. Troy Hardesty v. Department of Human Services, Division of Youth Corrections, Gilliam Youth Service Center, State Personnel Board case number 2003B246 (November 16, 2004).

Complainant, a safety and security officer, appealed his termination for "willfully" sending inappropriate and offensive email to persons in the facility and outside the facility. After hearing, the ALJ concluded that Complainant did not commit the acts for which he was terminated since he sent an email of a nude woman to all persons in the agency by accident. The ALJ also found the termination to be arbitrary and capricious and a "double standard" not imposed on others because the appointing authority did not consider mitigating factors such as: line supervisors condoned and engaged in similar misconduct, no progressive discipline was imposed on Complainant and his Good and Commendable performance evaluations and lack of any previous performance issues or corrective or disciplinary actions of any type were not taken into consideration, and Complainant did not intentionally send the email to the entire department and immediately called for computer assistance to retract it. The ALJ ordered that the termination of Complainant be modified to a suspension of 180 days and Respondent shall reinstate Complainant to his former position, effective December 17, 2003, with full back pay and benefits, minus an offset in the amount of \$10,013.07.

[The deadline for appealing the Initial Decision of the Administrative Law Judge is December 16, 2004.]

- B. Robert Gallardo v. Department of Corrections, Division of Adult Parole and Community Corrections, State Personnel Board case number 2004G046 (December 3, 2004).

Complainant, a correctional officer, appealed DOC's denial of his grievance. Following a preliminary recommendation in which the ALJ recommended that the Board deny the petition for hearing, the Board voted to grant him a hearing on the parties' compliance with the grievance process and his claim of hostile work environment. After hearing, the ALJ determined that the parties complied with the grievance process, although Respondent inadvertently failed to send the decision to Complainant's current address, and Complainant did not raise arguments or introduce evidence concerning his contention, in his grievances, that management created a hostile work environment for prison staff by failing to hold inmates accountable for violating the penal code. The only reference to retaliation and harassment in Complainant's trial brief was a reference to "adverse actions (i.e.) reassignment/displacement of Mr. Gallardo from Y.O.S." Affirming Respondent's actions, the ALJ concluded that Respondent's actions were not arbitrary, capricious, or contrary to rule or law, and Complainant is not entitled to attorney fees and costs.

[The deadline for appealing the Initial Decision of the Administrative Law Judge is January 3, 2005.]

VI. REVIEW OF THE MINUTES FROM THE NOVEMBER 16, 2004 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS NOVEMBER 16, 2004 PUBLIC MEETING:

- A. Larry Barron v. Department of Labor and Employment, Office of Field Operations, State Personnel Board case number 2004B088.

The Board voted to adopt the Initial Decision of the Administrative Law Judge and ordered the Initial Decision of the Administrative Law Judge is adopted and made an Order of the Board.

- B. Charlotte Pacheco v. Department of Corrections, Fremont Correctional Facility, State Personnel Board case number 2004G074.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny petition for hearing.

- C. Sharon Reinsma v. Regents of the University of Colorado, University of Colorado at Colorado Springs, State Personnel Board case number 2003G073.

The Board voted to adopt the Preliminary Recommendation of the Director and grant the petition for hearing.

- D. William Harris v. Department of Labor and Employment, Labor Market Information, State Personnel Board case number 2004G093.

The Board voted to adopt the Preliminary Recommendation of the Director and deny the petition for hearing.

VIII. REPORT OF THE STATE PERSONNEL DIRECTOR

IX. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Cases on Appeal to the Board and to Appellate Courts
- Order of Dismissal in Lange v. Trustees of the State Colleges, Mesa State College, State Personnel Board Case No. 2003G059, Court of Appeals No. 03CA2134

B. OTHER BOARD BUSINESS

- "Clean-Up Legislation"

C. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS, PERSONNEL ADMINISTRATORS, AND THE PUBLIC

X. EXECUTIVE SESSION

A. Case Status Report

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NEXT REGULARLY SCHEDULED BOARD MEETINGS - 9:00 a.m.
(*Unless otherwise noted)

January 18, 2005	Colorado Department of Corrections
*12 o'clock noon	Sterling Correctional Facility Conference Room
	12101 Highway 61
	Sterling, CO 80751
February 15, 2005	Colorado Department of Transportation
	4201 East Arkansas Ave., Second Floor Auditorium
	Denver, CO 80222
March 15, 2005	Colorado Department of Transportation
	4201 East Arkansas Ave., Second Floor Auditorium
	Denver, CO 80222
April 19, 2005	Colorado Department of Transportation
	4201 East Arkansas Ave., Second Floor Auditorium
	Denver, CO 80222
May 17, 2005	Colorado Department of Transportation
	4201 East Arkansas Ave., Second Floor Auditorium
	Denver, CO 80222
June 21, 2005	Colorado Department of Transportation
	4201 East Arkansas Ave., Second Floor Auditorium
	Denver, CO 80222